

VERDICTS & SETTLEMENTS

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Walking the walk

Neutral Glenn E. Lerman's career as a plaintiff and defense attorney gives him perspective.

By Shane Nelson

Special to the Daily Journal

Neutral Glenn E. Lerman's independent mediation website won't be around for much longer, but for years it has welcomed viewers with a telling tagline.

The landing page says, "He's been on both sides of the table; that's why he's perfect in the middle."

"But I didn't write that," Lerman explained with a chuckle. "The copywriters did."

After conducting over 600 mediations as an independent neutral, Lerman joined ADR Services, Inc. in February. And while the days may be numbered for his old website, the full-time neutral has no plans to alter how he tackles dispute resolution — a proven approach Lerman said has been profoundly informed by more than 25 years representing both plaintiffs and defendants in employment litigation.

"I really walked the walk on both sides," said Lerman, who joined Greenberg Glusker Fields Claman & Machtinger LLP after passing the bar in 1989 but then struck out on his own in 1996.

"When you actually litigate those cases — hundreds on both sides — you really understand how it works on both sides," he said. "You understand emotionally, you understand financially. ... You know how to effectively communicate with each side — not because you read it in a book or heard about it in some training, but because that's what you've done your whole career."



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Lerman was born and raised in Los Angeles and grew up with dreams of becoming an actor. He completed his undergraduate degree at UC Davis in 1986, and when he had a chance to attend law school afterward, Lerman said he jumped at the opportunity.

"I decided, 'I'll go to law school, and at least I'll have something to fall back on,'" he recalled. "Then if I want to try to become an actor and fail, I can then pick up my law degree, and I'll still have a good way to make a living."

Lerman found he really enjoyed the law, and after graduating from UC Berkeley School of Law in 1989 and joining Green-

berg Glusker, he discovered he really liked employment matters.

"What appealed to me was the human element," he explained. "Employment cases just have interesting facts — sometimes just head-shaking, crazy facts — and you can't believe this stuff happened or may have happened. It's just so much more human-driven than, say, document-driven."

Lerman said 90% of his career as a litigator focused on employment cases, and he only works in that practice area now as a full-time mediator. Before a mediation, Lerman likes to receive briefs from both sides, and he will speak over the phone with

Glenn E. Lerman

ADR Services, Inc.
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Employment

attorneys if they'd like to or if he has a question about the facts of the dispute.

On the day of mediation, Lerman isn't a fan of joint sessions and said at the end of one he's often "not at square one — I'm at square minus two," due to the acrimony the approach often generates. He does, however, frequently make use of mediator's proposals and described his overall approach as more evaluative than facilitative.

"I'm not a shuttle diplomacy, just take stuff back and forth kind of mediator," he said. "I'm much more evaluative, and that's probably because employment law has been my specialty for 33 years. I know what the law is. I know what the issues are. ... But you do have to have, I think, a human touch to be able to reach people and gain their trust. I think it's important they believe you and they trust you."

Los Angeles employment defense litigator Diana M. Estrada

has used Lerman many times to mediate a variety of wage and hour and wrongful termination disputes, and she said the neutral successfully settled every one.

"Glenn's interpersonal skills are great. I love taking my clients to him," Estrada said. "No matter what kind of case it is, no matter what kind of client I have, he's really able to make the client feel comfortable with him and trust him, and I think that's because he has experience working on both sides. He's just always able to find some common ground with my clients."

Long Beach employment plaintiffs' attorney Brent S. Buchsbaum said he's been using Lerman as a mediator for 10 years, and he agreed that the neutral's extensive background representing clients on both sides of the aisle sets him apart.

"That just gives him a lot of perspective about what to say in which room," Buchsbaum said. "It can be kind of difficult if

you're not used to working with plaintiffs in employment cases to strike the right tone with them. Those are people who have gone through emotional things, and they're sensitive to criticism. There's a very delicate way you have to approach those kinds of people, and the fact Glenn has been in the room with plaintiffs and understands the negotiation that has to go on in that room is very, very useful."

Los Angeles employment defense litigator Sabrina L. Shadi said she's used Lerman to successfully settle a number of sensitive cases involving intense emotions, and she described the neutral's approach as especially balanced.

"I have some clients who need a lot of hand-holding," Shadi said. "They're not as experienced, they don't understand legal issues. But I also have clients that are quite sophisticated, and they don't really want to be beaten up by their mediator. ... Some media-

tors tend to get overly aggressive, and while Glenn is definitely persuasive, it's in a measured and balanced way, and I think that appeals to clients."

Lerman said, meanwhile, that shifting his career to full-time work as a mediator has been a terrific decision.

"It gives me great satisfaction to be able to resolve cases and to really see people be happy or relieved that the litigation is over," he explained. "They can move on with their lives, they can heal and companies don't have to worry about negative impacts within their business. ... It's just something I really enjoy doing."

Here are some attorneys who have used Lerman's services: Brent S. Buchsbaum, Buchsbaum & Haag; Sabrina L. Shadi, Baker & Hostetler; Diana M. Estrada, Wilson Elser; Adam Y. Siegel, Jackson Lewis PC; Ronald L. Zambrano, West Coast Employment Lawyers